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Filing date: **11/12/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055020
Party	Plaintiff Tech Data Corporation
Correspondence Address	ALAN BLUM MOSES & SINGER LLP 405 LEXINGTON AVE NEW YORK, NY 10174-1299 UNITED STATES ablum@mosessinger.com, dshapiro@mosessinger.com, mschorr@mosessinger.com
Submission	Motion for Sanctions
Filer's Name	Deborah L. Shapiro
Filer's e-mail	dshapiro@mosessinger.com, ablum@mosessinger.com, mschorr@mosessinger.com, trademarks@mosessinger.com
Signature	/Deborah L. Shapiro/
Date	11/12/2012
Attachments	Motion for Entry of Sanctions in the Form of Entry of Judgment.pdf (3 pages) (47676 bytes) Affidavit in Support of Motion for Entry of Sanctions in the Form of Entry of Judgment.pdf (2 pages) (33006 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,553,646
Registered December 30, 2008
Mark: STREAMONE and Design

TECH DATA CORPORATION,

Petitioner,

v.

STREAMONE LLC,

Respondent.

Cancellation No. 92055020

PETITIONER'S MOTION FOR ENTRY OF SANCTIONS
IN THE FORM OF ENTRY OF JUDGMENT

Pursuant to Rule 2.120(g) of the Trademark Rules of Practice and 37 C.F.R. § 2.120(g), Petitioner Tech Data Corporation ("Tech Data" or "Petitioner"), by its attorneys, Moses & Singer LLP, hereby moves for an order entering sanctions, in the form of entry of judgment sustaining the opposition. Pursuant to the Board's Order in this matter dated October 22, 2012 (the "Order"), Respondent StreamOne LLC ("Respondent") was to provide its initial disclosures and discovery responses by November 8, 2012. As of today, Tech Data has received no initial disclosures and no discovery responses from Respondent.

FACTUAL BACKGROUND

On August 16, 2012, Tech Data filed a Motion to Compel Discovery because of Respondent's failure to provide initial disclosures and responses to Tech Data's First Set of Requests for Production of Documents and Things ("Document Requests") and First Set of Interrogatories ("Interrogatories"). Respondent did not respond to the Motion to Compel and the

Board granted the Motion as conceded. Pursuant to the Board's Order, Respondent was allowed until November 8, 2012 to provide its initial disclosures and responses to Tech Data's Document Requests and Interrogatories. As of the date of this motion, November 12, 2012, Tech Data has received none of the required responses, nor has counsel received any communication from Respondent or its counsel. *See* Affidavit of Deborah Shapiro, dated November 12, 2012, ¶ 2.

ARGUMENT

As stated in the Order, pursuant to Trademark Rule 2.120(g), "[s]hould respondent fail to provide the ordered disclosures and responses, then petitioner's remedy will lie in a motion for entry of sanctions, in the form of entry of judgment sustaining the opposition." Having received none of the required responses, Tech Data brings this motion as set forth in the Board's Order, and respectfully requests that the Board enter judgment accordingly, sustaining the opposition.

CONCLUSION


For the reasons set forth above, Tech Data requests an order for an entry of judgment sustaining the cancellation.

Dated: New York, New York
November 12, 2012

Respectfully submitted,

MOSES & SINGER LLP

By: _____

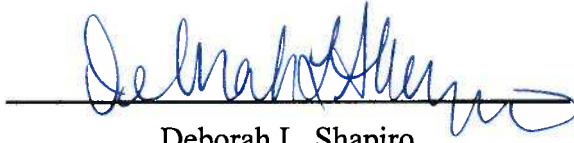

Alan Blum
Deborah L. Shapiro
405 Lexington Avenue
New York, New York 10174-1299
Tel: 212-554-7800
Fax: 212-554-7700

Attorneys for Petitioner Tech Data Corporation

CERTIFICATE OF SERVICE

I certify that on the 12th day of November, 2012, I caused a true copy of Petitioner's Motion for Entry of Sanctions to be served on counsel for Respondent StreamOne LLC, by sending same via first class mail to the following address:

Kenneth F. McCallion, Esq.
McCallion & Associates LLP
100 Park Avenue, 16th Floor
New York, NY 10017


Deborah L. Shapiro

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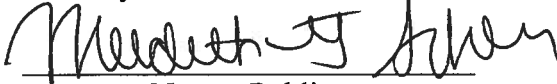
AFFIDAVIT OF DEBORAH SHAPIRO

2. As of the date of this affidavit, November 12, 2012, Tech Data has received none of Respondent StreamOne LLC ("Respondent")'s responses required by

the Board's order of October 22, 2012, nor have I received any other communication from Respondent or its counsel.


Deborah Shapiro

Sworn to before me this
12th day of November, 2012


Notary Public

MEREDITH G. SCHORR
Notary Public, State of New York
No. 01SC5042007
Qualified in New York County
Commission Expires April 10, 2015